

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JP MORGAN CHASE BANK, N.A., a national
association,

Plaintiff,

vs.

LAS VEGAS DEVELOPMENT GROUP, LLC,
a Nevada limited liability company; DOES 1
through 10; and ROE BUSINESS ENTITIES 1
through 10, inclusive,

Defendants.

**TEMPORARY RESTRAINING
ORDER
AND
ORDER SETTING PRELIMINARY
INJUNCTION HEARING**

Case No. 2:13-cv-01249-APG-VCF

Defendant LAS VEGAS DEVELOPMENT GROUP, LLC has presented to this Court an Ex Parte Emergency Application for Temporary Restraining Order and Preliminary Injunction on Order Shortening Time [Doc. #21], requesting injunctive relief staying a foreclosure sale of that real property commonly known as 1003 Country Skies Avenue, Las Vegas, Nevada 89123, Assessor Parcel No. 177-22-615-006. Said foreclosure sale is presently scheduled to take place on March 21, 2014 at 9:00 a.m.

It is well established that real property is unique, and the loss of real property amounts to irreparable harm. *Dixon v. Thatcher*, 103 Nev. 414, 416 (1987). Defendant asserts that the secured interest which purportedly forms the basis for the non-judicial foreclosure sale scheduled to take place on March 21, 2014, was extinguished by operation of law upon the foreclosure of a homeowners association lien containing super-priority amounts pursuant to N.R.S. Chapter 116. Defendant asserts that because the Plaintiff lacks any valid secured interest, it therefore possesses no right nor basis whatsoever to foreclose upon the Property. Defendant argues that it stands to suffer irreparable harm if relief is not immediately granted, that Defendant has a likelihood of success on the merits of this case, and that Defendant has no adequate remedy at law.

ROGER P. CROTEAU & ASSOCIATES, LTD.
• 9120 W. Post Road, Suite 100 • Las Vegas, Nevada 89148 •
Telephone: (702) 254-7775 • Facsimile (702) 228-7719

1 Upon review of the pleadings and papers on file herein, the Court finds that the
 2 Defendant will suffer irreparable injury if it loses its interest in that real property commonly
 3 known as 1003 Country Skies Avenue, Las Vegas, Nevada 89123, Assessor Parcel No. 177-22-
 4 615-006, through the foreclosure sale currently scheduled to take place on March 21, 2014. At a
 5 minimum, allowing the foreclosure sale to proceed would create significant and likely irreparable
 6 clouds on the title to the subject property. Moreover, the Defendant has a likelihood of success
 7 on the merits of its case, the balance of equities favors the Defendant, and the Defendant has no
 8 adequate remedy at law. Thus, the Court finds that grounds are present to issue a Temporary
 9 Restraining Order. GOOD CAUSE APPEARING THEREFOR,

10 IT IS HEREBY ORDERED:

- 11 (1) That Plaintiff JP MORGAN CHASE BANK, N.A., and/or any other party or
 12 entity, including but not limited to THE COOPER CASTLE LAW FIRM, are
 13 hereby enjoined from taking or continuing any action to foreclose upon that real
 14 property commonly known as 1003 Country Skies Avenue, Las Vegas, Nevada
 15 89123, Assessor Parcel No. 177-22-615-006, until further Order of this Court;
- 16 (2) That Plaintiff JP MORGAN CHASE BANK, N.A., and/or any other party
 17 claiming an interest in the Property, shall show cause why a preliminary
 18 injunction should not issue.
- 19 (3) That Defendant's Motion for Preliminary Injunction [Doc. #22] shall be heard on
 20 March 27, 2014 at 1:30 p.m. in Courtroom 6C of the Lloyd D. George U.S.
 21 Courthouse, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101.

22 ////

23 ////

24 ////

25 ////

26 ////

27 ////

28 ////

(4) That Defendant shall post a bond in the amount of \$1,000.00 as security for issuance of this Temporary Restraining Order, as required by Fed. R. Civ. P. 65(c). In addition, Defendant shall keep the subject property well maintained, ensure that all applicable taxes, fees, assessments are paid, and maintain insurance on the property and all improvements in an appropriate amount.

DATED this 19th day of March, 2014.



UNITED STATES DISTRICT COURT JUDGE

ROGER P. CROTEAU & ASSOCIATES, LTD.
• 9120 West Post Road, Suite 100 • Las Vegas, Nevada 89148 •
Telephone: (702) 254-7775 • Facsimile (702) 228-7719